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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,157	12/26/2001	Tomasz A. Matraszek	83837RLO	3986

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 04/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/036,157

Applicant(s)

MATRASZEK ET AL.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to amendment received 11/19/2003.
2. The disposition of the claims is as follows: claims 1-12 are pending in the application.

Claim 1 is the only independent claim.

Claim Objections

3. In view of the amended claim 1, objection is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 1 is rejected under 35 U.S.C. 102(a) as being disclosed by Microsoft Power Point.

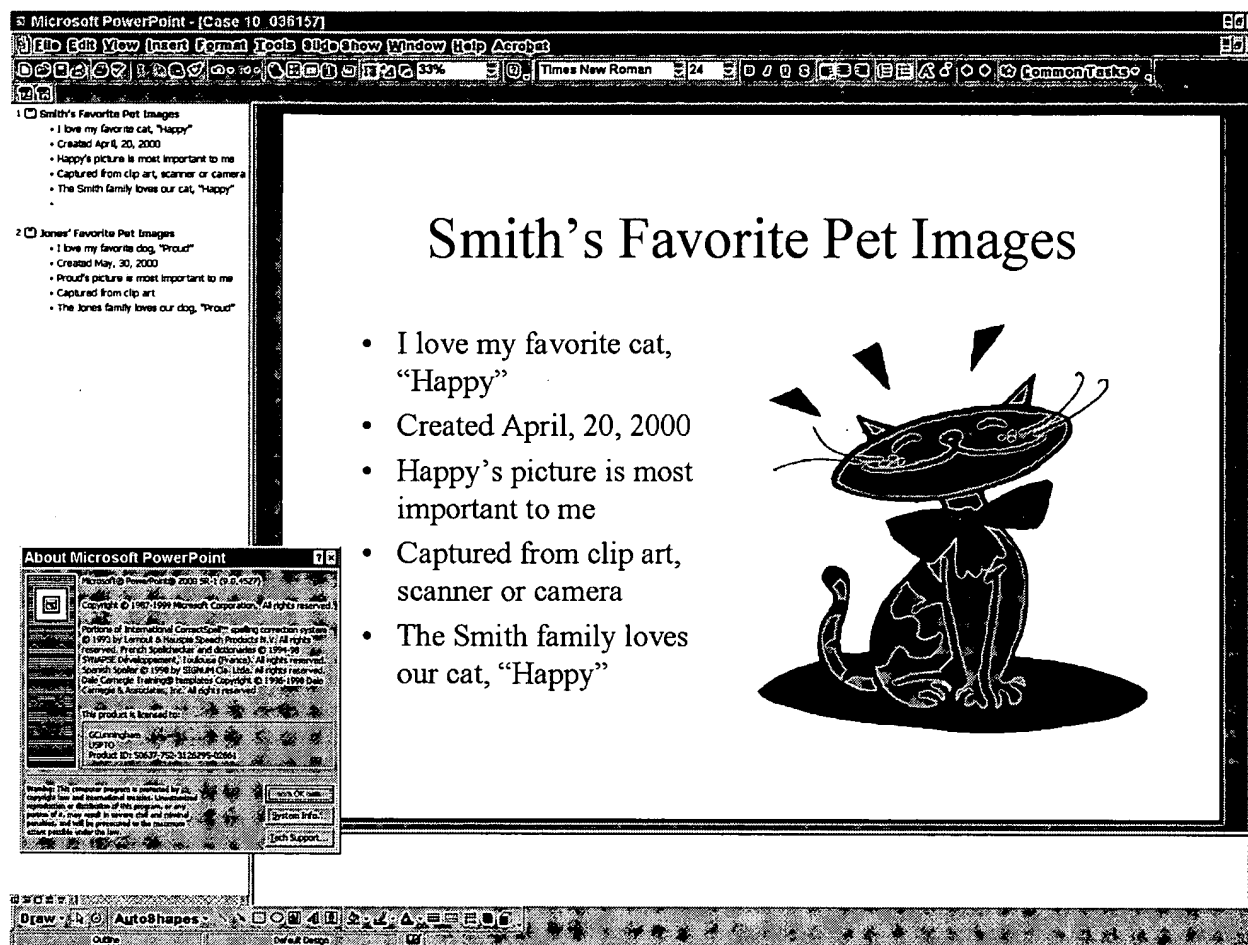
A. Claim1, “An image file for storing a digital image and information related to a digital image, including

- a) digital image data;
- b) a user identifier; and
- c) affective information which relates to the feelings or emotions of the user toward

a digital image” is disclosed below in fig. 1.

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Figure 1



Wherein [picture of cat] corresponds to “digital image”; [Smith] corresponds to “user identifier”; and [favorite and love] correspond to “affective information which relates to the feelings or emotions of the user toward a digital image”.

B. Claim 2, “The image file of claim 1 wherein the affective information further specifies the time or period within a range of times that the classification was preformed [April 20, 2000]” is disclosed supra for claim 1 [as detailed].

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C. Claim 3, “The image file of claim 1 wherein the affective information identifies the importance of the image [Happy’s picture is most important to me]” is disclosed supra for claim 1 [as detailed].

D. Claim 4, “The image file of claim 1 wherein the image file further includes information related to the capture device [Captured from clip art, scanner or camera]” is disclosed supra for claim 1 [as detailed].

E. Claim 6, “The image file of claim 1 wherein the digital image file includes affective information and user identifies for a plurality of users [The Smith family loves our cat, “Happy”]” is disclosed supra for claim 1 [as detailed].

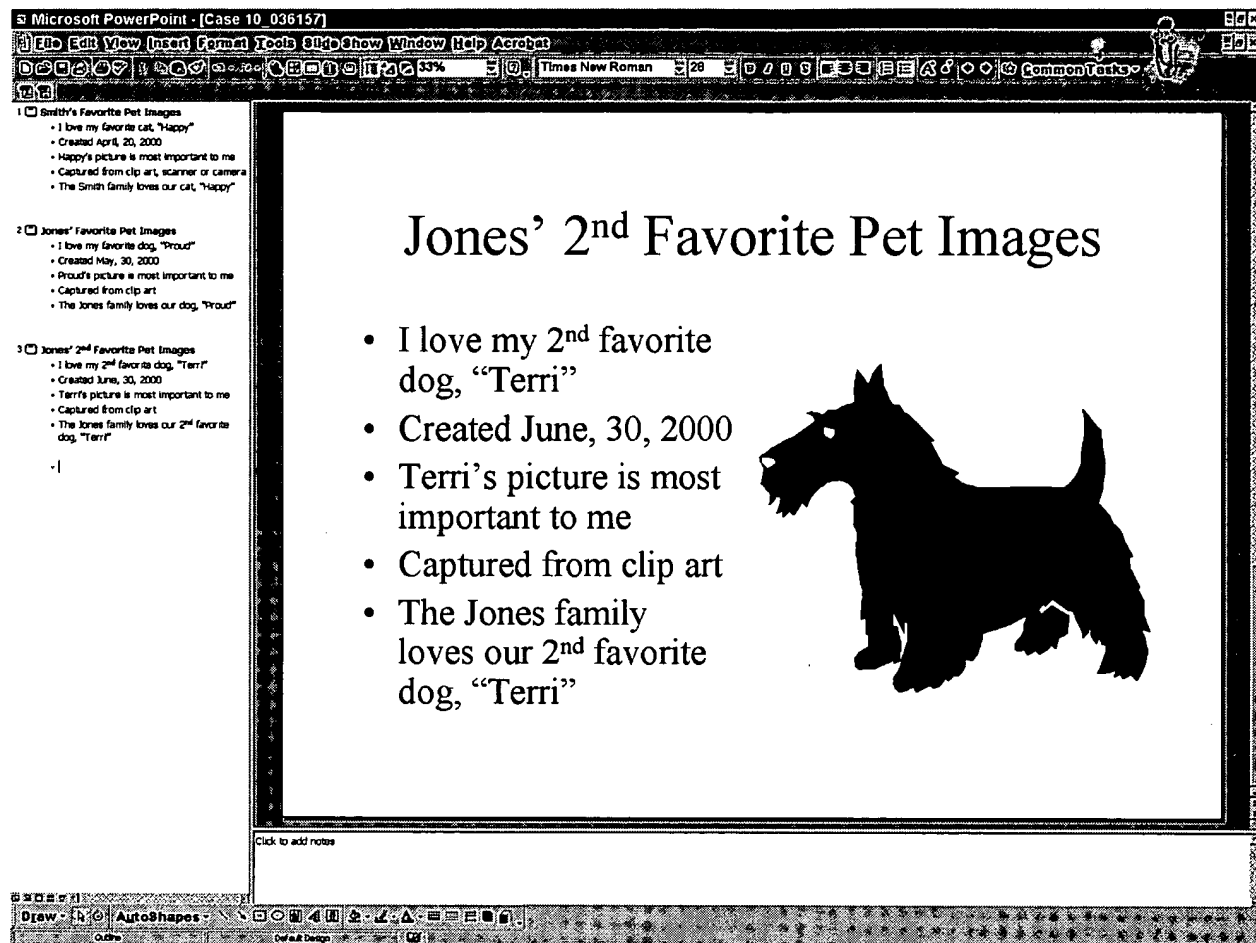
F. Claim 7, “A method for providing a retrieval scheme for stored digital images, using the image file of claim 6, comprising the steps of: a) a retrieval user providing a user identifier [Smith or Jones]; b) using the user identifier provided by the retrieval user to select, from the plurality of affective information, the particular affective information associated with the retrieval user [Thumbnails of images shown on left of fig. 1]; and c) using the affective information to facilitate image retrieval [right side image of fig.1]” is disclosed supra for claim 6 and as [detailed].

G. Claim 8, “The method of claim 7 wherein the affective information identifies the importance of the image to a plurality of users [The Smith family loves our cat, “Happy”]” is disclosed supra for claim 7 and as [detailed].

H. Claim 9, “The method of claim 7 wherein the affective information is used to determine the order of presentation of retrieved images [Jones’ 2nd Favorite Pet Images]” is disclosed supra for claim 7 and as [detailed in fig. 2]. Wherein information is ordered on left side of fig. 2.

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Figure 2



- I. Claim 12, "The image file of claim 1 wherein the affective information is provided by a user interface which enables the user to indicate important images" is disclosed supra for claim 1. Wherein Microsoft PowerPoint, [graphical user interface] corresponds to "user interface which enables the user to indicate important images".

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft PowerPoint as applied to claim 1 above, and further in view of Pierce et al., (US Patent Number 6,327,580), hereafter Pierce.

Claim 5, “The image file of claim 1 wherein the image data is a JPEG compressed image data” is disclosed by Microsoft PowerPoint supra for claim 1. However Microsoft PowerPoint does not appear to disclose, “wherein the image data is a JPEG compressed image data”, but Pierce does in col. 8, ln. 42 – col. 9, ln. 13.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply “personalized metadata to collection of digital image” disclosed by Parulski in combination with identified user and JPEG compressed image data, as disclosed supra by Pierce.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft PowerPoint as applied to claim 1 above, and further in view of Oda et al., (US Patent Number US 6,088,040 A), hereafter Oda.

A. Claim 10, “The image file of claim 1 wherein the affective information is provided by monitoring the facial expression of the user” is disclosed by Microsoft PowerPoint supra for claim 1. However Microsoft PowerPoint does not appear to disclose, “wherein the affective

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information is provided by monitoring the facial expression of the user”, but Oda does in col. 4, ln. 42 – col. 5, ln. 7.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply affective information, image data and user identifier disclosed by Microsoft PowerPoint in combination with facial image information disclosed by Oda, and motivated to combine the teachings because it would [carry out analysis and composition of a facial expression of a person in information transmission such as a teleconferencing system and the like] as revealed by Oda in col. 1, lines 19-21.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft PowerPoint as applied to claim 1 above, and further in view of Abbott et al., (PGPUB-DOCUMENT-NUMBER: 20020054174), hereafter Abbott.

A. Claim 11, “The image file of claim 1 wherein the affective information is provided by monitoring the physiology of the user” is disclosed by Microsoft PowerPoint supra for claim 1. However Microsoft PowerPoint does not appear to disclose, “wherein the affective information is provided by monitoring the physiology of the user”, but Abbott does in [para. 0130 and 0133].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply affective information, image data and user identifier disclosed by Microsoft PowerPoint in combination with physiology data disclosed by Abbott, and motivated to combine the teachings because it would provide [attributes] as revealed by Abbott in [para. 0130].

Response to Arguments

10. Applicant's arguments with respect to claim 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Responses

11. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

G. F. Cunningham

gfc

April 20, 2004

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600